

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|---------------------|---|--------------------|
| BOYD PACE, |) | |
| |) | |
| Petitioner, |) | |
| vs. |) | NO. CIV-14-0750-HE |
| |) | |
| MICHAEL K. ADDISON, |) | |
| Warden, |) | |
| |) | |
| Respondent. |) | |


ORDER

Petitioner Boyd Pace, a state prisoner appearing *pro se*, filed this action seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B), (C), the matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell. The magistrate judge has issued a Report and Recommendation recommending that petitioner's application to proceed *in forma pauperis* be denied. She concluded petitioner has sufficient funds to prepay the \$5 filing fee and recommended that the action be dismissed without prejudice unless he paid the fee in full. Petitioner did not object to the Report and Recommendation, but rather paid the \$5 filing fee on July 31, 2014. See Doc. #7.

Accordingly, the court adopts the Report and Recommendation, **DENIES** petitioner's motion to proceed *in forma pauperis* [Doc. # 5] and refers the matter back to Magistrate Judge Mitchell for further initial proceedings.

IT IS SO ORDERED.

Dated this 11th day of August, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE